

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review

DATE: March 4, 2014

SUBJECT: BZA Case 18721 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing non-conforming single-family dwelling at 1305 S St. N.W.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 403, Lot Occupancy (40% permitted, 59% proposed);
- § 405, Side Yard (8' required, 2.8' existing/proposed); and
- § 2001.3 existing non-conforming, semi-detached dwelling due to lot area, lot width in the R-4 District

II. LOCATION AND SITE DESCRIPTION

Address	1305 St. NW
Legal Description	Square 0238, Lot 0802
Ward	1/ANC 1B02
Lot Characteristics	Rectangular non-conforming lot with no alley access.
Zoning	R-4 – attached single-family dwellings.
Existing Development	Single-family semi-detached dwelling, permitted in this zone.
Historic District	None
Adjacent Properties	Rowhouses north and south;

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Stephen Kelleher, property owner
Proposal	Remove existing single-story rear addition and replace it with a rear two-story addition.
Relief Sought	§223 - Additions to a One-Family Dwellings or Flats

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed	Relief
Height (ft.) § 400	40 ft. max.; 3 stories max	2 stories	No change	Conforming
Lot Width (ft.) § 401	30 ft. min.	22 ft.	No change	Existing nonconforming
Lot Area (sq.ft.) § 401	3,000 sq.ft. min.	2,200 sq.ft.	No change	Existing nonconforming
Lot Occupancy § 403	40% max.	56%	59%	Required
Rear Yard (ft.) § 404	20 ft. min.	26.8 ft.	29.7 ft.	Conforming
Side Yard (ft.) § 405	8 ft., if provided	2.8ft/0 ft.	No change	Existing nonconforming

V. ANALYSIS

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 *An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

Single family dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403 and 2001.3.

223.2 *The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(a) *The light and air available to neighboring properties shall not be unduly affected;*
There would be minimal impacts to adjacent properties. The house to the east has no windows facing the subject site, and no additional shadow would be cast on the property to the west. The extent of the proposed addition would be similar to additions made to adjacent houses.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

Privacy would not be compromised. No windows are proposed on the eastern or western walls of the addition. The only windows would face onto the rear yard. A door would face onto the new deck on the second story, but there are no windows from the adjacent property which would face the deck. The eastern side is bordered by the lot line wall of the adjacent property.

- (c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The addition would not be visible from the street.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The applicant submitted plans, photographs, and elevation and section drawings to represent the extent of the addition.

- 223.3** *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The proposed lot occupancy would be 59%.

- 223.4** *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

The Office of Planning recommends no special treatment of the design, lighting, materials or other features.

- 223.5** *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The proposed use is a single family dwelling, permitted in this zone.

VI. COMMUNITY COMMENTS

The applicant has submitted comments of approval to the record from both abutting neighbors.

The ANC 1B met on February 25, 2014 to vote on the applicant's proposal. Their report would be issued under separate cover.